

Agenda Item #

33

Distribution

Dept. of Plng., Bldg & Dev. (4)

STATE OF ILLINOIS)

) SS

COUNTY OF LAKE)

No. 3677

Warren Township

COUNTY BOARD, LAKE COUNTY, ILLINOIS

February 12, 2008

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Your Planning, Building and Zoning Committee presents herewith a Resolution on Zoning Case No. 3677, which consists of the Petition of Robert and Linda Petersen, record owners, relative to a request for rezoning from the General Office zone to the Limited Industrial zone. The Department of Planning, Building and Development recommends the petition be granted. On the motion "to grant" the prayer of the petitioner, the Zoning Board of Appeals vote is 7 "Ayes" and 0 "Nays." On the motion "to grant" the prayer of the petitioner, the Planning, Building and Zoning Committee vote is 6 "Aye" and 0 "Nays".

- o An "Aye" vote on the motion shall operate in favor of the prayer of the petitioner.
- o A "Nay" vote on the motion shall operate against the prayer of the petitioner.
- o A 3/4 (18) affirmative vote is required to approve the rezoning if there is a legal objection on file.

Respectfully submitted,

Danula O. Reed
CHAIRPERSON

Aye Nay Abstain

Ludy Martini ✓
VICE-CHAIRPERSON

Suzanne Sullivan X

[Signature] X

Randall White X

Susan Greenhouse ✓

Robert [Signature] ✓

RESOLUTION

WHEREAS, a public hearing has been held by the Lake County Zoning Board of Appeals pursuant to the Statutes of the State of Illinois on the petition of Robert and Linda Petersen, record owners, relative to a request for rezoning from the General Office to the Limited Industrial zone for the following real estate, to-wit:

That part of the North East 1/4 of the North East 1/4 of Section 14, Township 45 North, Range 11, East of the Third Principal Meridian, described as follows: Commencing at the South East corner of Said Quarter Quarter Section; thence West along the South line of said Quarter Quarter Section a distance 1063.3 feet to the center of Barberry Lane and point of beginning of this description; thence Northeasterly along the center of Barberry Lane a distance of 334.5 feet; thence Southeasterly along a line forming a right angle with the center line of said Barberry Lane to a point that intersects the South line of the North East 1/4 of the North East 1/4 of said Section 14; thence West along South line of said Quarter Quarter Section to the point of beginning, in Lake County, Illinois.

PINs: 07-14-200-021 and -024

WHEREAS, your Department of Planning, Building and Development duly considered the aforesaid petition and recommends that it be granted; and

WHEREAS, your Zoning Board of Appeals, after reviewing the testimony presented at the public hearing on the aforesaid petition, has submitted its report thereon to the County Board and its report recommends by a vote of 7 – 0 that the petition be granted; and

WHEREAS, your Planning, Building and Zoning Committee duly considered the petition and reports aforescribed and recommends by a vote of 6 to 0 that the petition be granted. Motion made by Member Leafblad with a second by Member Mountsier, to grant the petition. Voting "Aye," were Members Martini, Mountsier Whitmore, Gravenhorst, Sabonjian and Leafblad; voting "Nay," none; Chairperson Newton abstained.

NOW, THEREFORE, BE IT RESOLVED by the Lake County Board that the request of the Petitioner for rezoning from the General Office to the Limited Industrial zone be granted; and

BE IT FURTHER RESOLVED, that the Secretary of said Zoning Board of Appeals be instructed to notify the Petitioner as to the action taken by the Board.

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

COUNTY BOARD, LAKE COUNTY, ILLINOIS

February 12, 2008

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Pursuant to State Statutes and following proper publication of public notice, a public hearing was conducted before the Lake County Zoning Board of Appeals on October 29, 2007 at 1:00 P.M. in the Warren-Newport Public Library, 224 O'Plaine Road, Gurnee, Illinois, relative to the petition of Robert and Linda Petersen record owners, requesting rezoning from the General Office to the Limited Industrial zone for the following real estate, to-wit:

That part of the North East 1/4 of the North East 1/4 of Section 14, Township 45 North, Range 11, East of the Third Principal Meridian, described as follows: Commencing at the South East corner of Said Quarter Quarter Section; thence West along the South line of said Quarter Quarter Section a distance 1063.3 feet to the center of Barberry Lane and point of beginning of this description; thence Northeasterly along the center of Barberry Lane a distance of 334.5 feet; thence Southeasterly along a line forming a right angle with the center line of said Barberry Lane to a point that intersects the South line of the North East 1/4 of the North East 1/4 of said Section 14; thence West along South line of said Quarter Quarter Section to the point of beginning, in Lake County, Illinois.

PINs: 07-14-200-021 and -024

The proceedings of this public hearing have been electronically recorded and are available for public review at the office of the Lake County Zoning Board of Appeals.

The reports and recommendations received prior to this hearing from the various County Departments and other interested agencies are on file at the office of the Lake County Zoning Board of Appeals. The Board is in receipt of the reports and recommendations from the following agencies:

The Lake County Building and Code Enforcement Division,
The Lake County Health Department, and
The Lake County Department of Planning, Building and Development, and

As required by the Lake County Zoning Ordinance, in making its recommendation the Zoning Board of Appeals has considered and taken into account the following:

- a) The testimony at the hearing;
- b) A site inspection of the property in question;
- c) The recommendations from interested official bodies; and
- d) The Standards provided in Section 3.3 of the Unified Development Ordinance.

At the close of the continued public hearing of the Lake County Zoning Board of Appeals held on December 6, 2007, after a final review of all evidence and testimony presented, Member Koeppen moved, with a second by Member Raymond, to recommend the prayer of the petitioner for rezoning from the General Office to the Limited Industrial zone be granted. Voting "Aye" on this motion were Members Bell, Koeppen, Raymond, Reindl, Stimpson, Westerman and Zerba; voting "Nay," none. The motion to recommend the petition be granted was passed by a vote of 7 – 0.

The Board finds that the request for rezoning meets the Standards for Map Amendments, Section 3.3, in the following manner:

Standard A. The proposed amendment is consistent with the stated purpose and intent of Sec. 1.5.

Finding: The future land use of the northern parcel and the northern portion of the southern parcel is Office and Research in the Framework Plan. The future land use of the southern portion of the southern parcel is Industrial. The County's future land use map for adjoining parcels is Industrial. The future land use in the Gurnee comprehensive plan for the subject property and adjoining properties is Industrial / Office Research. Based on the "split" future land uses in the Framework Plan, the request is partially consistent with the purpose and intent of the Ordinance.

Standard B. The proposed amendment corrects an error or inconsistency or meets the challenge of some changing condition in the area.

Finding: The property's current General Office zoning is an error since the excavating business has been in existence for approximately 28 years. The subject property should have been designated LI in the UDO of 2000 to reflect the variation that was approved in 1994 and to not make the existing excavating business nonconforming.

Standard C. The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property.

Finding: The properties in the Village of Gurnee that are northeast, east and south of the subject property are zoned General Industrial. Developed property in Gurnee west of the subject property is also zoned General Industrial. The vacant property in Gurnee west of the subject property is zoned R6 and is vacant. Vehicle access for the properties in Gurnee west of the subject property is via St. Paul Avenue, not Barberry Lane. The elevation of Barberry Lane is approximately 10 feet higher than the elevation of St. Paul Avenue. The difference in elevation will help buffer future residential use in Gurnee from the subject property. Future expansion on the subject property must comply with the site development requirements of the UDO. The rezoning will be compatible with nearby properties.

Standard D. The County and other service providers will be able to provide adequate public facilities and services to the property, while maintaining adequate levels of service to existing development.

Finding: The access to Barberry Lane is existing. The property is served by septic and private water well. Adequate public facilities and services are existing.

Standard E. The proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, stormwater management, wildlife and natural resources.


Finding: Compliance with all requirements of the UDO and all applicable permitting agencies will ensure that no significant adverse impacts to other property or the environment will occur.

Standard F. The subject property is suitable for the proposed zoning classification.

Finding: The property is physically suitable for the types of uses / development allowed in the LI zoning district.

At the direction of the Chairman of the Zoning Board of Appeals, this report is herewith forwarded to your Honorable Body with the recommendation that it be accepted.

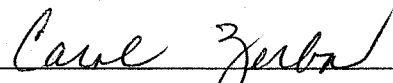
No. 3677
Warren Township

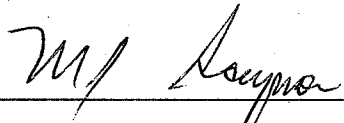


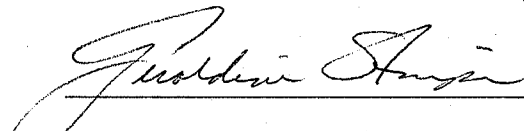
CHAIRMAN

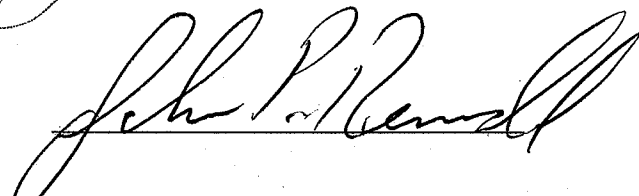
VICE CHAIRMAN











Dated this 18th day of December 2007.

Summary of Testimony

ZBA #3677

A public hearing was conducted by the Lake County Zoning Board of Appeals on Monday, October 29, 2007 at 1:00 P.M. in the Warren-Newport Public Library, 224 O'Plaine Road, Gurnee, IL, on the petition of Robert and Linda Petersen, record owners, which seeks rezoning from the General Office zone to the Limited Industrial zone for the purpose of operating an excavating, concrete crushing and bulk material storage business. The subject property is located at 35845 Barberry Lane, Gurnee, IL, and contains approximately 3.22 acres.

The following is a summary of the testimony:

1. Brad Petersen testified that the excavating business had been in existence for approximately 28 years. The use was conforming and allowed under the Urban zoning category. In 2000 the County changed the property's zoning to General Office. The rezoning to LI will make the principal and accessory uses conforming.
2. In response to a question, Mr. Petersen testified that the business has included crushing and recycling concrete for approximately six months. He explained that Zoning Administrator, Sheel Yajnik, visited the site and told him that concrete crushing and stockpiling usable aggregate would not be allowed without the rezoning.
3. William Petersen testified that the concrete recycler uses a small diesel engine to produce the electricity that powers the crusher. He further testified that the machine has a noise suppression system and a water suppression system to control dust (air borne particles). A 4000-gallon water truck is also used to control dust. Mr. Petersen stated that the backhoe that is used to load the concrete recycler is louder than the crusher itself. Ms. Linda Petersen and Mr. William Petersen testified they were aware that one neighbor had complained about the concrete recycler.
4. William Petersen explained that the concrete crusher is mobile and estimates that it will be used at a job site 75% of the time. The Petersens do not charge for loads of concrete that are brought to their property for crushing, and estimate that between 0 and 20 trucks per day deliver concrete. William Petersen further testified that the maximum number of loads of concrete that can be put on the property is 50. Ms. Petersen emphasized that their property is not a recycling plant.
5. William Petersen explained that the advantage to a mobile concrete recycler is that concrete can be crushed, and the usable aggregate recovered, on the job site, which eliminates trucking concrete out and then trucking aggregate in. The typical job where the concrete recycler would be used is one where there is between 800 to 1000 tons of concrete to recycle. Brad Petersen testified that by reducing truck trips the concrete recycler protects roads.
6. In response to a question, William Petersen stated that the normal hours of operation in the winter are from 6:00 a.m. to 4:00 p.m. Monday through Friday, Saturday 7:00 a.m. to 12:00 p.m. Summer hours, March 1 to December 1, are Monday through Friday 6:00 a.m. to 5:00 p.m. and Saturday from 6:00 a.m. to 12:00 p.m. Mr. Petersen explained that they occasionally do emergency work or work overtime. Brad Petersen stated the business includes a snowplowing service.

7. Ms. Patricia Murie, adjoining neighbor to the north, testified she could smell the fumes from the concrete crusher's diesel engine in her kitchen. In response, Brad Petersen testified that the recycler is set up over 400 feet east of Ms. Murie's house and suggested that the source of the diesel fumes could be trucks idling in the delivery docks at Lakeland Supply or traffic on Delany Road.

Summary of Department Comments

ZBA #3677

Health Department: The Department has no objection.

Department of Planning, Building and Development:

Planning staff recommends approval of the rezoning because the request meets the required standards. Specifically, the future land use of the majority of the southern parcel is Industrial in the Framework Plan. The County's future land use map for adjoining parcels to the northeast, east, south and west is Industrial.

The property's current General Office zoning is an error. The subject property should have been designated LI in the UDO of 2000 to reflect a variation granted in 1994 to allow the excavating business to operate without connection to sanitary sewer and to not make the existing excavating business nonconforming; the excavating business has operated for approximately 28 years.

Nearby properties in the Village of Gurnee are zoned Industrial; the rezoning will be compatible with nearby properties. The access to Barberry Lane is existing. The property is served by septic and private water well. The County and other service providers will be able to provide adequate public facilities and services to the property.

Compliance with all requirements of the UDO and all applicable permitting agencies will ensure that no significant adverse impacts to other property or the environment will occur. The property is physically suitable for the types of uses / development allowed in the LI zoning district.



Philip J. Rovang
Director

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Waukegan, Illinois 60085
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MEMORANDUM

October 15, 2007

TO: George Bell, Chairman
Lake County Zoning Board of Appeals

FR: Robert Mosteller, Deputy Director 
Lake County Department of Planning, Building and Development

CASE NO: 3677 Rezoning

REQUESTED ACTION: Rezoning from the General Office to the Limited Industrial zone for the purpose of operating an excavating business.

ZBA PUBLIC HEARING DATE: October 29, 2007

GENERAL INFORMATION

PETITIONERS: Robert and Linda Peterson, record owners

OF PARCELS: Two

SIZE: 3.22 acres

ADDRESS: 35845 Barberry Lane, Gurnee, Warren twp.

EXISTING ZONING: General Office

PROPOSED ZONING: Limited Industrial

EXISTING LAND USE: Excavating business, concrete crushing and bulk material storage.

PROPOSED LAND USE: Same as existing.

SURROUNDING ZONING / LAND USE

NORTH: Unincorporated / General Office; single-family dwelling
Village of Gurnee / General Industrial District (I-2); vacant

EAST: Village of Gurnee / General Industrial District (I-2); vacant

NORTHEAST: Village of Gurnee / General Industrial District (I-2); building supply
company

SOUTH: Unincorporated / General Office; single-family dwelling, agricultural,
vacant
Village of Gurnee / General Industrial District (I-2) PUD; vacant

WEST: Village of Gurnee / Multi-family Residence District (R6); vacant;
General Industrial District (I-2) PUD; various light
industrial and office uses

COMPREHENSIVE PLANS

LAKE COUNTY: Office and Research – Northern parcel (PIN 07-14-200-021)
Industrial and Office and Research – Southern parcel (PIN 07-14-200-024)

MUNICIPALITIES WITHIN 1 ½ MILES: Village of Gurnee : Industrial / Office Research

DETAILS OF REQUEST

ACCESS: Access is from Barberry Lane.

FLOODPLAIN / WETLANDS: According to the County's GIS, the subject property is not
in a floodplain and does not contain any wetlands.

SEWER AND WATER: The property is served by private septic and private water
well.

ADDITIONAL COMMENTS

The Lake County Regional Framework Plan states that the Industrial Future Land Use is intended for industrial, warehousing, wholesale trade, and mining uses. Office / Research future land use includes individual office buildings and office and research parks.

The Gurnee Comprehensive Plan states that the industrial uses in the Industrial land use category include businesses such as light manufacturing, assembly operations, and warehouses. The office / service category includes large office / research complexes in campus-like settings as well as small office facilities. The small offices typically are for professional services such as insurance, accounting, legal and medical.

According to a letter from Zoning Administrator Sheel Yajnik to Mr. Brad Petersen, Petersen Excavating, dated June 21, 2007, a variation to allow an excavating business in the Urban Zoning District without connection to sanitary sewer was granted in 1994. The "excavating business" falls within the Contractor's Equipment Sales or Storage (Indoor and Outdoor) use type. This use is allowed by right in the Limited and Intensive Industrial zones and with a CUP from the ZBA in the General Commercial zone. The concrete crushing activity being conducted on the property does not fall within the definition of excavating business but is instead considered "Manufacturing and Production Not Otherwise Classified." After crushing, material is stored on the property; this is considered bulk material storage which is within the "Warehousing and Freight Movement" use category. Both concrete crushing and bulk material storage are allowed in the Limited Industrial and Intensive Industrial zoning districts. (A copy of this letter is attached.)

The single-family dwellings were allowed when the property was zoned Urban (prior to adoption of the 2000 UDO) and, therefore, are legal non-conforming uses.

RECOMMENDATION ON REZONING

Staff recommends approval for the rezoning from General Office to Limited Industrial. In staff's opinion the request meets the Map Amendment Approval Criteria in Section 3.3.8 as follows:

Map Amendment Approval Criteria – UDO Section 3.3.8

Standard A: The proposed amendment is consistent with the stated purpose and intent of Sec. 1.5.

Comment: The future land use of the northern parcel and the northern portion of the southern parcel is Office and Research in the Framework Plan. The future land use of the southern portion of the southern parcel is Industrial. The County's future land use map for all adjoining parcels is Industrial. The future land use in the Gurnee comprehensive plan for the subject property and adjoining properties is Industrial / Office Research. Based on the "split" future land uses in the Framework Plan, the request is partially consistent with the purpose and intent of the Ordinance.

Standard B: The proposed amendment corrects an error or inconsistency or meets the challenge of some changing condition in the area.

Comment: The property's current General Office zoning is an error since, according to the petition, the excavating business has been in existence for approximately 28 years. The subject property should have been designated LI in the UDO of 2000 to reflect the variation that was approved in 1994 and to not make the existing excavating business nonconforming.

Standard C: The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property.

Comment: Staff is not aware of any complaints from adjoining property owners regarding the business uses on the subject property. The properties in the Village of Gurnee that are northeast, east and south of the subject property are zoned General Industrial. Developed property in Gurnee west of the subject property is also zoned General Industrial. The vacant property in Gurnee west of the subject property is zoned R6 and is vacant. Vehicle access for the properties in Gurnee west of the subject property is via St. Paul Avenue, not Barberry Lane. The elevation of Barberry Lane is approximately 10 feet higher than the elevation of St. Paul Avenue. The difference in elevation will help buffer future residential use in Gurnee from the subject property. Future expansion on the subject property must comply with the site development requirements of the UDO. The rezoning will be compatible with nearby properties.

Standard D: The County and other service providers will be able to provide adequate public facilities and services to the property, while maintaining adequate levels of service to existing development.

Comment: The access to Barberry Lane is existing. The property is served by septic and private water well. Adequate public facilities and services are existing.

Standard E: The proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, stormwater management, wildlife and natural resources.

Comment: Compliance with all requirements of the UDO and all applicable permitting agencies will ensure that no significant adverse impacts to other property or the environment will occur.

Standard F: The subject property is suitable for the proposed zoning classification.

Comment: The property is physically suitable for the types of uses / development allowed in the LI zoning district.



Planning Building & Development

Philip J. Rovang
Director

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June 21, 2007

Mr Brad Petersen
Petersen Excavating
35845 Barberry Lane
Gurnee, IL 60031

**Subject: PINs 07-14-200-021 & 07-14-200-024
Section 14 Township 45 Range 11
Warren Township**

Dear Mr Petersen

Thank you for meeting with staff at our recent on-site meeting. You will recall that staff had expressed a number of zoning-related concerns about the current use of the subject property. At the conclusion of our discussion, I indicated that a follow-up letter would be sent to you reiterating these specific zoning issues and identifying available alternatives toward resolving these issues. Accordingly, please be advised of the following:

As you know, Petersen Excavating (identified by PINs 07-14-200-021 and -024) is currently located within the General Office (GO) Zoning District. In 1994, a Variation was granted to allow an excavating business to operate on this property without connection to sanitary sewer in the Urban Zoning District.

However, the activity on the subject property has recently expanded to include on-site concrete crushing. This new activity is classified as "Manufacturing and Production Not Otherwise Classified" which, according to Article 6, Section 6.2 of the Lake County Unified Development Ordinance (UDO), is permitted by right only in the Limited Industrial (LI) and Intensive Industrial (II) zoning districts. In addition, the byproducts of the crushing activity are stockpiled on the subject property. Please note that bulk material storage falls within the use category of "Warehousing and Freight Movement," according to Article 14, Section 14.1.6C. According to Article 6, Section 6.2, "Warehousing and Freight Movement" is allowed only in the Limited Industrial (LI) and Intensive Industrial (II) zoning districts.

Development Review
Bob Mosteller
Deputy Director

Zoning Administration
Sheel Yajnik
Zoning Administrator

Planning and Support Services
Dennis Sandquist
Deputy Director

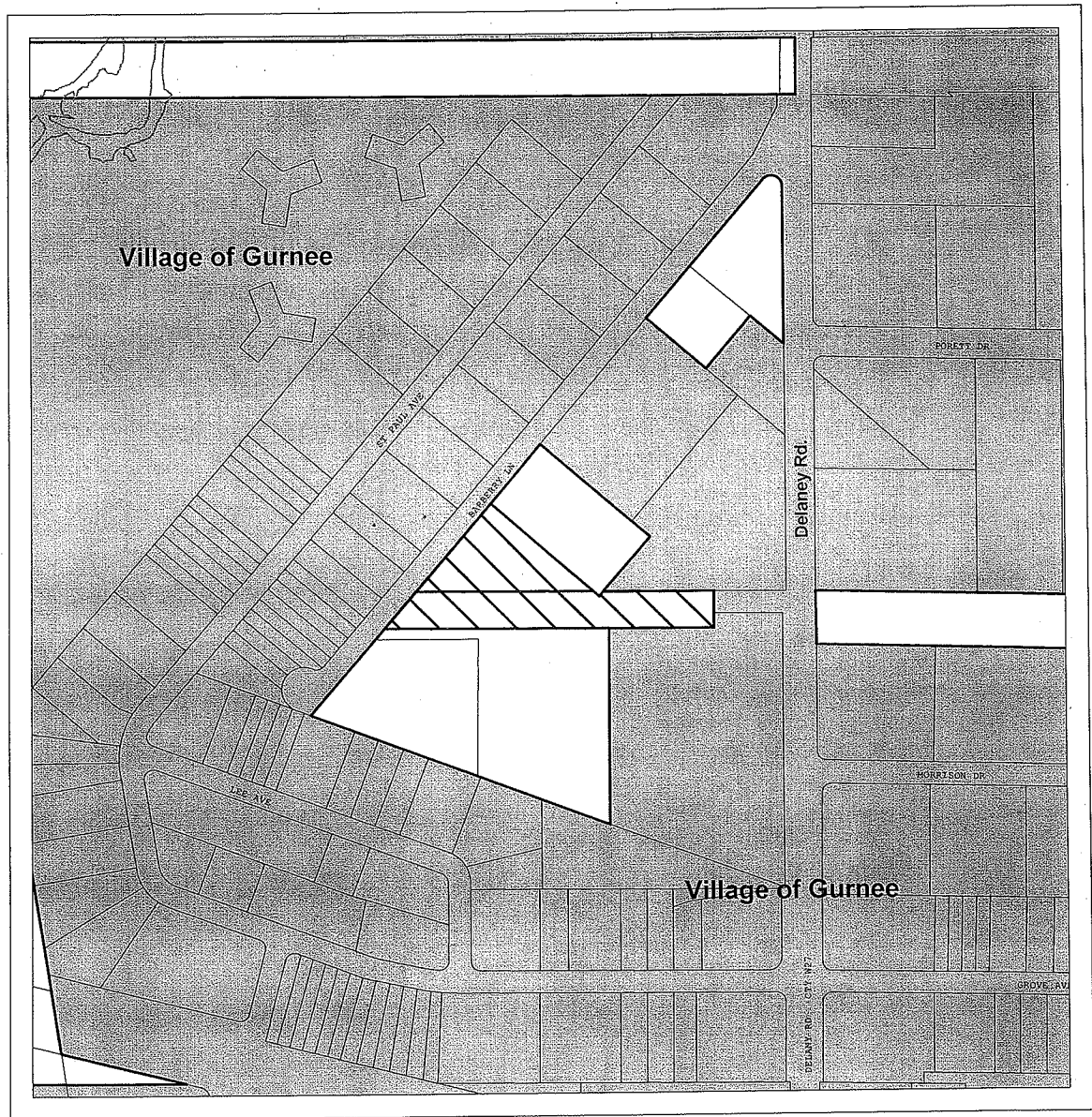
Community Development
Vern Witkowski
Deputy Director

In order to accommodate these activities you may elect to seek a rezoning. Staff has scheduled a meeting on Monday, June 25 at 9 30 am to discuss the rezoning process with you. Alternatively, you may seek annexation to the Village of Gurnee. For more information on annexing to Gurnee, please contact the Village at (847) 599-7500. As a third option you may consider eliminating this expanded activity altogether. Should you have any questions about these matters, please contact me at (847) 377-2130 or Eric Waggoner, Assistant Zoning Administrator, at (847) 377-2131.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Sheel Yajnik', written in a cursive style.

Sheel Yajnik
Zoning Administrator



Zoning Board of Appeals Case# 3677

Warren Township